



1 TOURISM, ARTS AND HERITAGE CABINET

2 Department of Fish and Wildlife Resources

3 (Amendment)

4 301 KAR 2:185. Hunter education.

5 RELATES TO: KRS 150.010, 150.015, 150.990

6 STATUTORY AUTHORITY: KRS 150.025(1), 150.170

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the
8 department to promulgate administrative regulations to establish seasons for the taking
9 of fish and wildlife, to regulate bag limits, creel limits, and methods of take, and to make
10 these requirements apply to a limited area. KRS 150.170 authorizes exemptions for
11 certain people from hunting license and permit requirements. This administrative
12 regulation establishes the requirements for hunter education.

13 Section 1. Definitions. (1) "Adult" means a person who is at least eighteen (18) years
14 old.

15 (2) "Hunter education card" means a ~~[card or similar]~~ document that verifies a person
16 has successfully completed a:

17 (a) Kentucky hunter education course; or

18 (b) Hunter education course from another state, province, or country that meets the

standards established by the International Hunter Education Association.

(3) "Hunter education exemption certificate" means a certificate issued by the department that allows a person who is required to obtain a hunter education card to hunt for a period of one (1) year from the date obtained.

Section 2. Hunter Education Card. (1) All persons shall carry a valid hunter education card while hunting in Kentucky, unless a person:

(a) Was born prior to January 1, 1975;

(b) Is exempt pursuant to Section 3 of this administrative regulation;

(c) Is license-exempt pursuant to KRS 150.170, subsections 1-3 or 5-7; or

(d) Is license-exempt pursuant to KRS 150.170, subsection 4 and was born prior to January 1, 2002 [~~Unless exempt pursuant to Section 3 of this administrative regulation, or license-exempt pursuant to KRS 150.170, a person born on or after January 1, 1975 shall carry a valid hunter education card while hunting in Kentucky.~~].

(2) A person who is less than twelve (12) years old hunting without a hunter education card shall be accompanied by an adult who is in position to take immediate control of the weapon and who:

(a) Has a valid hunter education card; or

(b) Is exempt from hunter education requirements.

(3) An adult shall not accompany more than two (2) hunters under twelve (12) years old at any one (1) time.

Section 3. Hunter Education Exemptions. (1) A person who is required to have a hunter education card may obtain a hunter education exemption certificate from the department.

(2) A person hunting with a valid hunter education exemption certificate shall:

(a) Carry the certificate while hunting; and

(b) Be accompanied by an adult who is in position to take immediate control of the weapon and who:

1. Is carrying a valid hunter education card; or

2. Is exempt pursuant to Section 2 of this administrative regulation~~Was born before January 1, 1975~~].

(3) The department shall not issue more than one (1) hunter education exemption certificate to any individual.

Section 4. Hunter Education Course Requirements. (1) In order to obtain a Kentucky hunter education card, a person shall:

(a) Complete a hunter education course by:

1. Attending an entire department-sanctioned hunter education course; or

2. Obtaining and possessing a certificate of completion or its equivalent for course work meeting the standards of the International Hunter Education Association from:

a. An online hunter education course; or

b. A CD-ROM course or its equivalent; and[-]

1 (b) Correctly answer at least eighty (80) percent of the questions on a department-
2 sanctioned exam]; and

3 ~~(c) Safely participate in department-sanctioned live fire exercises].~~

4 (2) A person shall be at least nine (9) years old in order to take the department-
5 sanctioned exam.

Approved by the Fish and Wildlife Commission



Rich Storm, Commissioner
Department of Fish and Wildlife Resources



Don Parkinson, Secretary
Tourism, Arts and Heritage Cabinet

Date: 7/5/9

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on August 26, 2019 at 9:00 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled.

This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made.

If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation through August 31, 2019.

Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

Jessica Tyler
Department of Fish and Wildlife Resources
Arnold L. Mitchell Building
#1 Sportsman's Lane
Frankfort, Kentucky 40601
(502) 564-3400
Email: fwpubliccomments@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

301 KAR 2:185. Hunter education.

Contact Person: Jessica Tyler

Email: Jessica.tyler@ky.gov

Phone: 502-564-3400

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes hunter requirements for Kentucky hunters.

(b) The necessity of this administrative regulation: The necessity of this administrative regulation is to establish minimum standards for responsible and safe hunting.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish seasons for the taking of fish and wildlife, to regulate bag limits, creel limits, and methods of take, and to make these requirements apply to a limited area. KRS 150.170 authorizes exemptions for certain people from hunting license and permit requirements.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The administrative regulation will assist in the effective administration of the statutes by providing minimum standards for hunter education, thus placing additional safety requirements relating to methods of take.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment will make it a requirement that all hunters in Kentucky, born on or after January 1st 2002, subject to limited exception, pass a hunter education course before hunting. Further, the amendment will allow students to receive their Hunter Education Certification without having to complete an "in-person" course or live fire exercise.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to maximize the proportion of hunters in the field who are trained in Hunter Education and to help ensure that every hunter is safe. Allowing the Hunter Education Certification to be achieved via an online learning course provides constituents with an additional opportunity to complete the Hunter Education requirement while still maintaining safety standards. The addition of an online only option allows the department to reach constituents that may have limited time and resources to travel to a range day or in-person course. By eliminating barriers to completing the Hunter

Education requirement, the department is working to ensure that all hunters in the field have completed the Hunter Education requirement.

(c) How the amendment conforms to the authorizing statutes: See 1(c) above.

(d) How the amendment will assist in the effective administration of the statutes: See 1(d) above.

(3) List the type and number of individuals, businesses, organizations or state and local governments affected by this administrative regulation: There are approximately 320,000 Kentucky hunting license holders and 15,000 individuals who take hunter education instruction each year that will be affected by this administrative regulation. Additionally, if we follow the same pattern made by other states, this will likely affect those that have been illegally hunting without certification. This will also affect license exempt hunters, pursuant to KRS 150.170(4), born on or after January 1, 2002. We have not tracked how many license exempt hunters we have in the state.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Prospective hunters will be provided additional flexibility in obtaining hunter education certification by adding an online option to the existing certification options. License exempt hunters, pursuant to KRS 150.170(4), born on or after January 1, 2002 will now be required to have hunter education in order to hunt. This will be more convenient than before with the addition of an online only option.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no additional costs to those identified in question (3).

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Prospective hunters will be provided additional flexibility in obtaining hunter education certification by adding an online option to the existing certification options.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no additional cost to the agency to administer this regulation.

(b) On a continuing basis: There will be no additional cost to the agency to administer this regulation on a continuing basis.

(6) What is the source of the funding to be used for implementation and enforcement of this administrative regulation? The source of the funding is the State Game and Fish Fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new or by the change if it is an amendment. It will not be necessary to increase any fees or funding to implement this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not directly or indirectly establish or increase any fees.

(9) TIERING: Is tiering applied? (Explain why tiering was or was not used) Tiering was not applied. The same hunter education requirements apply to all hunters in Kentucky.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

301 KAR 2:185. Hunter education.

Contact Person: Jessica Tyler

Email: Jessica.tyler@ky.gov

Phone number: (502) 564-3400

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department's Information and Education Division and Law Enforcement Division will be impacted by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish seasons for the taking of fish and wildlife, to regulate bag limits, creel limits, and methods of take, and to make these requirements apply to a limited area. KRS 150.170 authorizes exemptions for certain people from hunting license and permit requirements.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? There are multiple factors that determine potential revenue for the department. If prospective hunters take the free online course, the department will be able to use each course taken as federal "match". This match will be determined by the market value of the course. That value has not been established yet, but will likely be \$16.25. If Kentucky follows the pattern set by other states, the department could generate more than \$200,000 per year in federal grant money.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? See 3(a) above.

(c) How much will it cost to administer this program for the first year? There will be no cost to administer this program in the first year.

(d) How much will it cost to administer this program for subsequent years? There will be no cost to administer this program in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: